

BOARD OF PUBLIC WORKS AND SAFETY

MAY 20th, 2010

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Mayor Charles Henderson called the meeting to order at 6:01 p.m.

PRESENT: Board Members Mayor Charles Henderson, Kevin Hoover, and Thom Hord; Clerk Treasurer Jeannine Myers; City Attorney Shawna Koons; City Engineer and Director of the Department of Community Development Services Mark Richards.

Mr. Hord moved to accept the regular minutes of May 6th, 2010 as presented. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Director of Community Development Services and City Engineer Mark Richards reviewed the following recommendation of Paul Peoni Engineering Division of the Department of Community Development Services:

Southern Green – Section One

Mauri Young, Southern Green LLC, appeared regarding the following requests:

- 1) Release three (3) year maintenance bond #5022484 in the amount of \$6,084.00 from Bond Safeguard Insurance Company for the asphalt street surface at Southern Green, Section One.
- 2) Release three (3) year maintenance bond #1018358 in the amount of \$1,104.00 from Lexon Insurance Company for the monumentation & street signs at Southern Green, Section One.

There has been a field inspection by Kevin Riddle of the engineering division and all items covered by the three (3) year maintenance bonds stated above appear to still be in satisfactory condition. At this time the engineering division recommends that the Board make the motions stated above.

Moved by Mr. Hoover. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Emerson Pointe – Phase One

Ken Zumstein, J. Greg Allen & Associates Inc. appeared regarding the following requests:

- 1) Accept the street improvements in the public right-of-way at Emerson Pointe, Phase One. This includes the stone, asphalt paving, concrete curbs, concrete median in Emerson Avenue.
- 2) Accept three (3) year maintenance bond #5036722 in the amount of \$6,816.00 from Bond Safeguard Insurance Company for the street improvements in the public right-of-way at Emerson Pointe, Phase One.
- 3) Release performance bond #5019969 in the amount of \$26,161.00 from Bond Safeguard Insurance Company for the installation of the street improvements in the public right-of-way (stone, asphalt paving, concrete curbs) at Emerson Pointe, Phase One.
- 4) Release performance bond #5019968 in the amount of \$7,920.00 from Bond Safeguard Insurance Company for the installation of the concrete median in Emerson Avenue at Emerson Pointe, Phase One.
- 5) Accept the signs & monuments & Traffic Signal Improvements for the west leg of the Wal-Mart entrance related to the Emerson Pointe, Phase One project.
- 6) Accept three (3) year maintenance bond #5036721 in the amount of \$5,746.00 from Bond Safeguard Insurance Company for the signs & monuments & Traffic Signal Improvements for the west leg of the Wal-Mart entrance related to the Emerson Pointe, Phase One project.
- 7) Release performance bond #5019967 in the amount of \$28,731.00 from Bond Safeguard Insurance Company for the installation of the signs & monuments & Traffic Signal Improvements for the west leg of the Wal-Mart entrance related to the Emerson Pointe, Phase One project.

- 8) Accept the erosion control in the public right-of-way and acknowledge completion of the private erosion control in compliance with the approved design plans at the Emerson Pointe, Phase One.
- 9) Accept three (3) year maintenance bond #5036720 in the amount of \$16,956.00 from Bond Safeguard Insurance Company for the erosion control at the Emerson Pointe, Phase One.
- 10) Release performance bond #5014587 in the amount of \$84,778.10 from Bond Safeguard Insurance Company for the installation of the erosion control at Emerson Pointe, Phase One.

There has been a final field inspection by Kevin Riddle of the engineering division and all items being asked for acceptance/acknowledgement appear to have been satisfactorily installed. All inspection and testing fees are in order. The engineering division has received acceptable paper as-builts. The law department has approved the form of the three (3) year maintenance bonds. The amounts shown on the three (3) year maintenance bonds are correct. The engineering division recommends conditional approval of the items stated above subject to:

- a) Receipt of two (2) sets of final mylar as-builts.

Moved by Mr. Hord. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Emerson Pointe – Block B – Building One (Bicycle Garage/Fireside etc. – Emerson Ave. & County Line Rd)

Ken Zumstein, J. Greg Allen & Associates Inc. appeared regarding the following requests:

- 1) Acknowledge completion of the private dirt work, storm sewer and erosion control in compliance with the approved design plans at Emerson Pointe, Block B, Building One.
- 2) Release performance bond #5014751 in the amount of \$134,584.00 from Bond Safeguard Insurance Company for the installation of the private dirt work and storm sewer at Emerson Pointe, Block B, Building One.
- 3) Release performance bond #5014750 in the amount of \$10,563.00 from Bond Safeguard Insurance Company for the installation of the private erosion control at Emerson Pointe, Block B, Building One.
- 4) Accept the sidewalks in the public right-of-way at Emerson Pointe, Block B, Building One.
- 5) Accept three (3) year maintenance bond #5036723 in the amount of \$1,138.00 from Bond Safeguard Insurance Company for the sidewalks in the public right-of-way at Emerson Pointe, Block B, Building One.
- 6) Release performance bond #5014752 in the amount of \$5,687.00 from Bond Safeguard Insurance Company for the installation of the sidewalks in the public right-of-way at Emerson Pointe, Block B, Building One.

There has been a final field inspection by Kevin Riddle of the engineering division and all items being asked for acceptance/acknowledgement appear to have been satisfactorily installed. All inspection and testing fees are in order. The engineering division has received acceptable paper as-builts. The law department has approved the form of the three (3) year maintenance bond. The amount shown on the three (3) year maintenance bond is correct. The engineering division recommends conditional approval of the items stated above subject to:

- a) Receipt of two (2) sets of final mylar as-builts.

Moved by Mr. Hoover. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Greenbrooke Parke II – Lot 1

Ken Zumstein, J. Greg Allen & Associates Inc. appeared regarding the following requests:

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- 1) Accept the sanitary sewers at Greenbrooke Parke II, Lot #1.
- 2) Accept three (3) year maintenance bond #MNT08967417 in the amount of \$7,433.00 from Fidelity and Deposit Company of Maryland for the sanitary sewers at Greenbrooke Parke II, Lot #1
- 3) Release performance bond #5031330 in the amount of \$37,165.00 from Bond Safeguard Insurance Company for the installation of the sanitary sewer at Greenbrooke Parke II, Lot #1.
- 4) Accept the survey monuments and sidewalks in the public right-of-way at Greenbrooke Park II, Lot #1.
- 5) Accept three (3) year maintenance bond #5036724 in the amount of \$1,921.00 (**once revised**) from Bond Safeguard Insurance Company for the survey monuments and sidewalks in the public right-of-way at Greenbrooke Parke II, Lot #1.
- 6) Release performance bond #5031331 in the amount of \$8,470.00 from Bond Safeguard Insurance Company for the installation of the sidewalks in the public right-of-way at Greenbrooke Parke II, Lot #1.
- 7) Release performance bond #5031333 in the amount of \$1,133.00 from Bond Safeguard Insurance Company for the installation of the survey monuments at Greenbrooke Parke II, Lot #1.
- 8) Acknowledge completion of the private dirt work, storm sewer and erosion control in compliance with the approved design plans at Greenbrooke Parke II, Lot #1.
- 9) Release performance bond #5031328 in the amount of \$371,741.00 from Bond Safeguard Insurance Company for the installation of the private dirt work and storm sewer at Greenbrooke Parke II, Lot #1.
- 10) Release performance bond #5031329 in the amount of \$11,450.00 from Bond Safeguard Insurance Company for the installation of the private erosion control at Greenbrooke Parke II, Lot #1.
- 11) Acknowledge completion of the private street improvements in compliance with the approved design plans at Greenbrooke Parke II, Lot #1.
- 12) Release performance bond #5031332 in the amount of \$15,006.00 from Bond Safeguard Insurance Company for the installation of the private street improvements at Greenbrooke Parke II, Lot #1.

There has been a final field inspection by Kevin Riddle of the engineering division and all items being asked for acceptance/acknowledgement of completion appear to have been satisfactorily installed. All inspection and testing fees are in order. The engineering division has received acceptable paper as-builts. There is an issue with the form of the three (3) year maintenance bond for sanitary sewer. The amount shown on the three (3) year maintenance bond for the survey monuments and sidewalks in the public right-of-way is incorrect. The engineering division recommends conditional approval of the items stated above subject to:

- a) Receipt of two (2) sets of final mylar as-builts.
- b) Receipt of completed Original operations and maintenance manuals for the water quality structures.
- c) Receipt of the revised maintenance bond for sanitary sewer and approval of the form by the law department.
- d) Receipt of the revised maintenance bond for the survey monuments and sidewalks in the public right-of-way and approval of the amount by the engineering division.

Moved by Mr. Hoover. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Abbey Villas

Mike Yeager, Owner, appeared regarding the following request:

- 1) Release three (3) year maintenance bond #50152752 in the amount of \$14,930.00 from Bond Safeguard Insurance Company for the sanitary sewers at Abbey Villas.

Keith Meier, Sanitation Superintendent has been contacted and he informed the engineering division that the sanitary sewer covered by the three (3) year maintenance bond stated above appears to still be in satisfactory condition. At this time the engineering division recommends that the Board make the motion stated above.

Moved by Mr. Hord. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Zayo Bandwidth / Indiana Fiber Works, LLC

- 1) Requests License Agreement With City of Greenwood to Update / Install Fiber Optics

Terry Brown, Representative, stated that there are fifteen to twenty fiber optics and cables that need to be updated or replaced. Mr. Brown stated that the agreement with the utility companies is in order. A presentation of the locations for the updates and replacements followed. Mayor Charles Henderson asked if there was any reason that this shouldn't be approved. City Attorney Shawna Koons replied that everything seems to be in order and stated that the agreement can be amended if need be. City Attorney Shawna Koons stated that the company will still have to comply with all permitting and bonding requirements. Mr. Hoover moved to grant the license request directing the City Attorney to prepare the agreement and authorize the Mayor to sign the agreement on the Board's behalf. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Nuisance Complaints

John Myers, Code Enforcement Officer, stated that the following nuisance complaints were abated:

- 1) 490 Alton Drive – MidFirst Bank
- 2) 1490 Green Spring Way – Vastine
- 3) 938 Ironwood Trail – Lindsey
- 4) 640 Lindenwood Drive – McClung
- 5) 2130 Summer Breeze Way - Kleiner

John Myers, Code Enforcement Officer, spoke on the following nuisance complaints:

- 1) 1104 Barbara Drive – Wilhelm

Mr. Myers stated that the property is vacant and has high grass and weeds. Mr. Hoover moved to find that a nuisance does exist at 1104 Barbara Drive, and directed the City Attorney to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and charge the cost thereof against the property owners. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

- 2) 317 Maple Street – Carmody

Mr. Myers stated that the property is vacant with high grass and weeds. Mr. Hord moved to find that a nuisance exists at 317 Maple Street, and directed the City Attorney to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and charge the cost thereof against the property owners. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Audience

None.

City Attorney Status of Tasks

City Attorney Shawna Koons confirmed that everyone received the Memorandum of Status of Tasks and asked if there were any questions.

City Attorney Shawna Koons presented the following:

Revision to Second Amendment to Restrictive Donation Agreement with Clark Pleasant Community School Corporation, Worthsville Road Improvements

At the April 22, 2010 meeting, the Board approved the "Second Amendment to Restrictive Donation Agreement" with Clark Pleasant Community School Corporation that permits the School Corporation's restrictive donation to be used to wedge and level Worthsville Road between U.S. 31 and Sheek Road, instead of the portion of the road fronting the School Corporation's property between Sheek Road and I-65 (the portion for which the donation was originally intended). There is a typographical error in that document that requires revision and insertion of a corrected page: Paragraph 2. deleted Paragraph 5. of the original agreement in its entirety with no replacement language, when it should have inserted the words, "In the event the actual costs are less than CPCSC Donation, the City agrees to reimburse CPCSC the amount of overpayment" in place of the deleted language. Copies of the relevant pages of the original "Restrictive Donation Agreement" (Paragraph 5.) and the "Second Amendment to Restrictive Donation Agreement", as well as a copy of the revised pages of the "Second Amendment to Restrictive Donation Agreement" were provided for the Board's review and consideration. The City Attorney recommends that the Board approve the revision of paragraph 2 and insertion of revised pages in the "Second Amendment to Restrictive Donation Agreement".

Mr. Hoover to approve the revision to paragraph 2. of the "Second Amendment to Restrictive Donation Agreement" as presented by the City Attorney and to approve the insertion of the revised pages in the "Second Amendment to Restrictive Donation Agreement" with Clark Pleasant Community School Corporation regarding the Worthsville Road improvement project. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Request to Vacate a Platted Drainage and Utility Easement

City Attorney Shawna Koons stated that the Board would need to make a recommendation to the Common Council for the request of J. D. Byrider Properties, Inc.

Mr. Hoover moved to find that the vacation of the platted seven and one-half foot (7.5') drainage and utility easement located in Lot 3 of Surina Park 31 Commercial Subdivision in the City of Greenwood as proposed would **not**:

- 1) Hinder the growth or orderly development of the neighborhood in which it is located or to which it is contiguous;
- 2) Make access to Lot 3 of Surina Park 31 Commercial Subdivision by means of public way, or access to necessary utilities, difficult or inconvenient;
- 3) Hinder the public's access to a church, school, or other public building or place, or hinder the public's access to utilities; nor
- 4) Hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;

that the Board recommend that the vacation of the 7.5' platted drainage and utility easement in Lot 3 of Surina Park 31 Commercial Subdivision in the City of Greenwood be vacated as proposed; and to authorize the Mayor to execute and deliver a memorandum regarding these findings and this recommendation to the Common Council in the Board's behalf. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

City Attorney Shawna Koons presented the following Uniform Conflict of Interest Disclosure Statement:

Chief James Sipes, Greenwood Fire Department, for his son Tyler Sipes, part time employee for the Greenwood Parks and Recreation Department, for any interest he may have in his earnings. Mr. Hoover moved to approve the Conflict of Interest Disclosure Statement as presented. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

City Engineer

Director of Community Development Services and City Engineer Mark Richards reviewed the following recommendations:

Timber Valley, Sections 1, 2 & 3 – C.P. Morgan, developer of Timber Valley, posted performance guarantees through Bond Safeguard Insurance Company for sidewalks (Sections 1, 2 & 3), erosion control (Section 1), monuments (Sections 2 & 3), and street surfacing (Sections 2 & 3). The work covered by the guarantees was not completed prior to the C.P. Morgan bankruptcy, thus the City has been working with the bonding company to resolve this matter. A settlement proposal was provided to the City Attorney on April 19, 2010, and is summarized on the attached Figure 1. The settlement proposal includes making sidewalk and erosion control repairs, as well as installation of permanent surveying monuments, then reducing or releasing the currently held bonds as appropriate. The proposal provides for the guarantee held for installation of the surface course of asphalt to be drawn upon in the full amount of the bond due to the cost of installing the asphalt exceeding the amount of the bond. Specific details of the actions to be taken are included in the summary. Engineering and the City Attorney have reviewed the proposal and recommend acceptance by the Board.

Mr. Hord moved to accept the proposal from Bond Safeguard Insurance Company dated April 19, 2010 for resolution of deficiencies in completion of improvements at Timber Valley Sections 1, 2 & 3, and to authorize the Mayor to execute any documents necessary to effectuate the settlement. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Worthsville Road Reconstruction Project, Parcel 24 – An administrative settlement to acquire property necessary for reconstruction of Worthsville Road has been presented to, and approved by, the Redevelopment Commission (RDC) at its May 11th, 2010 meeting. An offer was made to William and Maureen Little for land designated as Parcel 24. The offer was in the amount of \$128,845.00 for 0.431 acres of permanent (fee simple) right-of-way, 0.605 acres of temporary easement, severance damages, and land improvements. This offer was rejected by the Little's, who stated that the entire property should be purchased and they should receive an additional \$44,155.00. The RDC considers it to be in the City's best interest to settle this parcel for the proposed amount of \$173,000.00 to avoid delays and additional cost that would be incurred should the City pursue condemnation.

Mr. Hoover moved to accept the offer of administrative settlement as described in the Memorandum to the City of Greenwood from Elizabeth A. Sullivan, Land Agent, RWS South, Inc., dated May 10, 2010, to fully acquire Parcel 24 of the Worthsville Road Reconstruction Project, as approved by the Redevelopment Commission on May 11th, 2010. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Worthsville Road Project, Parcel 5 – Appraisals for the project continue to progress. Acquisition of Parcel 5, located at the northwest corner of Sheek Road and Worthsville Road will require an Appraisal Problem Analysis (APA) to determine the type of appraisal that must be performed to value the right-of-way take. The estimated fee for the APA is set by INDOT and is \$1,200.00, excluding travel expenses.

Moved by Mr. Hord to accept the estimated fee for the Appraisal Problem Analysis for Parcel 5 of the Worthsville Road Reconstruction Project and to authorize the Mayor to sign on behalf of the Board. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Our Lady of the Greenwood Catholic Church – At the June 22, 2006 Board meeting, Mr. Harold Sattison of Brandt Construction, Inc. requested acknowledgement of private improvements, acceptance of improvements in the public right-of-way, acceptance of a three (3) year maintenance guarantee, and release of performance bonds for site

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improvements for expansion of church facilities. The Board conditionally accepted the maintenance guarantee and released the performance bond, both subject to receipt of final mylar as-built drawings and receipt of, review and approval of the maintenance guarantee by the Engineering and Law Departments. The mylar as-built drawings were provided, however a maintenance guarantee was not provided. Notice was provided by United States Fidelity and Guaranty Company (USF&G) dated April 15, 2010, and received on April 23, 2010, that Bond. No. 400SV6717, covering the performance guarantee amounts, will be cancelled effective June 1, 2010. Because the improvements for which a maintenance guarantee were accepted more than three (3) years ago, and the time period the maintenance guarantee would have covered has passed, the Engineering Department inspected the improvements to determine if they are in satisfactory condition and the requirement for maintenance could be waived. Kevin Riddle inspected the improvements in the public right-of-way and found them to be in such satisfactory condition. Staff therefore recommends that the requirement for a maintenance guarantee be waived, and that the Board not draw down the performance guarantee, but permit USF&G to cancel the performance guarantee.

Moved by Mr. Ho to waive the requirement for a maintenance guarantee for improvements located within the public right-of-way for the Our Lady of the Greenwood Catholic Church expansion project, and permit USF&G to cancel the performance guarantee (Bond 400SV6717). Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Human Resources

Director of Human Resources Katie White-Knartzer stated that she had received a corrected Employee Assistance Program from Infinity which is a Community Health Network Product and the City Attorney has reviewed it. The rate was actually lowered from \$990.00 to \$815.00 per month. Ms. White-Knartzer request that the Board give approval for the Mayor to sign the contract on the Board's behalf. Moved by Mr. Hoover. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Director of Operations

None.

Clerk Treasurer

None.

Claims

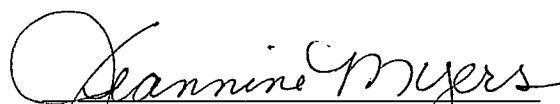
Mr. Hord moved to accept and approve the claims as presented through May 20th 2010. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Mayor

None.

With no further business, the meeting adjourned at 6:48 p.m.


Mayor Charles Henderson


Clerk Treasurer Jeannine Myers

